

## Message Text

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70

ACTION SY-07

INFO OCT-01 EUR-06 ADP-00 L-03 /017 W  
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R 161930 Z MAR 73

FM AMEMBASSY LUXEMBOURG

TO SECSTATE WASHDC 3257

INFO AMEMBASSY BRUSSELS

AMCONSUL FRANKFURT

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E. O. 11652 N/ A

TAGS: ASEC PINS

SUBJECT: POLICE COURT SUMMONS TO MSG NCOIC: REQUEST FOR GUIDANCE

BRUSSELS FOR RSO

FRANKFURT FOR LT. COL. COOPER

STATE FOR SY AND L

1. EMBASSY MSG NCOIC HAS RECEIVED SUMMONS FROM LUXEMBOURG POLICE COURT FOR HIM TO APPEAR TO RESPOND TO A CHARGE OF OPERATING A CABARET WITHOUT A LICENSE AND OF SELLING ALCHOLIC BEVERAGES WITHOUT PAYING TAXES. THESE CHARGES STEM FROM THE TRADITIONAL FRIDAY NIGHT PARTY ( TGIF) OF THE LUXEMBOURG MARINE DETACHMENT.

2. BACKGROUND IS FOLLOWING: ON NOVEMBER 1, 1971 EMBASSY LEASED NEW QUARTERS FOR MSG DETACHMENT AT 24 RUE DE KIRCHBERG, LUXEMBOURG. NEIGHBORHOOD IS QUITE, RESIDENTIAL AREA. OVER PAST YEAR EMBASSY AND GOL POLICE AUTHORITIES HAVE RECEIVED INTER-MITTANT COMPLAINTS FROM NEIGHBORS ABOUT NOISE IN CONNECTION WITH WEEKLY FRIDAY NIGHT TGIF GATHERINGS AT MARINE HOUSE. MAIN PROBLEM CENTERED ON NOISE AT CLOSE OF TGIF AND STARTING OF AUTHMOBILES BETWEEN MIDNIGHT AND 0200. EMBASSY MARINES INSTITUTED A PROGRAM ELIMINATING THE FEW REAL OFFENDERS, BRIEFING GUESTS ON THE NEED TO RESPECT NEIGHBORHOOD QUIET,  
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CLOSING TGIF AT MIDNIGHT, AND INVITING THE NEIGHBORS TO TGIF TO BECOME ACQUAINTED WITH THE MARINES. DESPITE THIS, ON OCTOBER 2, 1972 SOME 19 NEIGHBORHOOD RESIDENTS SUBMITTED A FORMAL COMPLAINT TO THE " PROCUREUR D' ETAT" ( ATTORNEY GENERAL) OF LUXEMBOURG. EMBASSY HAD BEEN WORKING IN CLOSE LIAISON WITH MFA AND LOCAL POLICE AUTHORITIES THROUGHOUT BUT EVEN VERY STRINGENT SELF-POLICING MEASURES INSTITUTED BY OUR MARINES FAILED TO PLACATE NEIGHBORS. OF OWN ACCORD, MSG' S CEASES TGIF AS OF FEBRUARY 10, 1973.

3. MFA PROTOCOL DIRECTOR, WHO HAS SPOKEN TO ATTORNEY GENERAL AND OTHER COURT OFFICIALS ABOUT CASE, TOLD ME MARCH 15 THAT COURT HAS SWITCHED MAIN COMPLAINT FROM " TAPAGE NOCTURNE" ( DISTURBING THE PEACE AT NIGHT") TO " VIOLATION OF THE CABARET ORDINANCE", I. E., SELLING ALCOHOL WITHOUT A LIQUOR/ CABARET LICENSE AND FAILING TO DECLARE AND PAY THE NECESSARY TAXES. HASTERT SAID THAT TO BACK UP DISTURBANCE OF PEACE CHARGE, NEIGHBORS WOULD HAVE HAD TO APPEAR PERSONALLY IN COURT TO TESTIFY. THIS THEY DID NOT WANT TO DO.

4. HASTERT HAS OBTAINED POSTPONEMENT OF HEARING FROM MARCH 15 TO APRIL 5. THIS WAS DONE PARTLY ON BASIS OF EMBASSY NOTE TO MFA OF MARCH 6 MAKING THESE MAIN POINTS:

A. RESIDENCE MENTIONED IN SUMMONS TO NCOIC IS LEASED BY THE SECRETARY OF STATE AND NOT NCOIC;

B. HENCE EMBASSY AS AGENT OF SECRETARY OF STATE IS RESPONSIBLE FOR MARINE RESIDENCE;

C. EMBASSY REQUESTED MFA TO BRING THESE FACTS TO ATTENTION OF APPROPRIATE LUXEMBOURG JUDICIAL AUTHORITIES;

D. TGIF OPEN ONLY TO PERSONAL FRIENDS OF MARINES AND WAS DEVOID OF COMMERCIAL PURPOSES;

E. REASSURANCE TO MINISTRY AND OTHER GOL AUTHORITIES CONCERNED THAT EMBASSY IS SEARCHING FOR WAYS IN WHICH TRADITIONAL TGIF COULD BE HELD IN MANNER COMPATIBLE WITH QUIET RESIDENTIAL NATURE OF NEIGHBORHOOD AND IN SUCH WAY LIMITED OFFICIAL USE

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AS TO FURTHER GOOD NEIGHBORLY RELATIONSHIP;

F. THE FACT THAT THE EMBASSY MARINES HAVE DECIDED INDEFINITELY TO FOREGO FRIDAY TGIF GATHERINGS.

5. EMBASSY WISHED TO PROTECT NCOIC WHO IS IN NO WAY RESPONSIBLE AND WHO HAS TURNED IN AN OUTSTANDING PERFORMANCE SINCE HIS ARRIVAL IN LUXEMBOURG IN AUGUST 1972. EMBASSY IS RELUCTANT TO HAVE NCOIC ANSWER SUMMONS.

6. REQUEST DEPARTMENT' S GUIDANCE BY COB ON MARCH 21 ON FOLLOWING POINTS:

A. STATUS OF MARINES AND MARINE TGIF IN LUXEMBOURG.

B. EXPERIENCE IN HANDLING SIMILAR SITUATIONS IN OTHER POSTS WITH MSG DETACHMENTS.

C. WHETHER MARINE HOUSE IS CONSIDERED PART OF EMBASSY PREMISES AND TO BE ACCORDED SIMILAR TREATMENT TO AMBASSADOR' S RESIDENCE, CHANCERY, DCM RESIDENCE, AND OTHER EMBASSY- LEASED PROPERTIES. ( WE HAVE VIENNA CONVENTION AT HAND BUT WOULD PREFER NOT TO SECOND- GUESS DEPARTMENT' S LEGAL ADVISORS).

D. LEGAL AND GENERAL GUIDANCE.

7. MSG DETACHMENT LUXEMBOURG HAS LONG BEEN AND CONTINUES TO BE TODAY OUTSTANDING DETACHMENT IN EUROPE. THEIR CONDUCT, LOYALTY, SUPPORT AND COOPERATION HAVE ALWAYS BEEN EXEMPLARY AND I LOOK UPON THEM AS FULLY EQUAL AND INTEGRAL MEMBER OF THE EMBASSY TEAM. GALANTO

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